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C O N F I D E N T I A L SECTION 01 OF 02 MANILA 000170

SIPDIS

E.O. 12958: DECL: 01/27/2020

TAGS: PGOV KDEM KJUS RP

SUBJECT: PHILIPPINE ELECTION: ESTRADA IN FOR NOW, VILLAR
PRESSURED

REF: 09 MANILA 2502 (MARTIAL LAW IN MAGUINDANAO)

Classified By: Charge d'Affaires, a.i. Leslie A. Bassett, reason: 1.4 (b) and (d).

SUMMARY AND COMMENT

¶1. (C) Though the presidential campaign officially starts Feb. 9, electioneering is in full swing, with the main candidates running ads, debating, and working to undercut opponents. In a constitutionally questionable decision, a Commission on Elections (COMELEC) sub-panel ruled that former President Joseph Estrada is eligible to run for reelection. Opponents of Estrada have appealed to the full Commission and will likely appeal to the Supreme Court if needed, but Malacanang Palace has stayed quiet, perhaps calculating that Estrada would siphon votes from frontrunning Senator Noynoy Aquino, and not ruling party candidate Gilberto Teodoro. Second-place candidate Senator Manny Villar has been tarnished by a high-profile Senate investigation into charges he manipulated a major road project to benefit his business empire, but with the Senate set to adjourn Feb. 5, he may hope to escape final judgment. COMELEC has received fewer than half of the 82,000 optical scanners needed for electronic vote tabulation in the May election, with the remainder due to be delivered by the end of February. The police have begun to enforce a weapons ban imposed in conjunction with the election campaign, arresting hundreds of people and confiscating hundreds of weapons. However, this represents a mere fraction of the guns in private hands in the Philippines, and incidents of political violence continue. End Summary and Comment.

ESTRADA CLEARS ONE HURDLE

¶2. (C) In a constitutionally questionable move, a sub-panel of the Commission on Elections (COMELEC) ruled January 20 that former President Joseph Estrada could compete for the presidency in May's election despite the Constitution's stipulation that "The President shall not be eligible for any reelection." The COMELEC ruling accepted the argument of Estrada supporters that the constitutional restriction applies only to an incumbent running for reelection to the same office, although some Constitution drafters have publicly explained that they intended to cover reelection at any time. The ruling also noted that Estrada's eligibility for the presidency was better left to voters to decide -- prompting at least one major daily newspaper to editorialize that COMELEC selectively applied this logic to Estrada's benefit, while using its discretionary authority to disqualify scores of other candidates.

¶3. (C) A challenger has appealed the sub-panel ruling, and

the COMELEC's full complement of seven commissioners will decide whether to uphold or overturn it. Whichever way COMELEC decides, the issue will probably end up before the Supreme Court. Malacanang Palace officials have been noticeably silent on the issue of Estrada's candidacy, likely calculating that Estrada would siphon more votes from Senator Noynoy Aquino, the current frontrunner, than from ruling coalition candidate Gilberto Teodoro. While Estrada's and other candidates' eligibility remains in doubt, the COMELEC has delayed finalizing the ballots for printing. COMELEC's original schedule entailed finalizing ballot layouts by January 25.

POLITICAL ATTACK ON VILLAR

¶4. (C) Estrada is not the only candidate under pressure. Political opponents of Senator Manny Villar, ranked second in all opinion polls, have resurrected a high-profile Senate debate over a controversial Manila beltway road network known as the C-5. An investigative report claims Senator Villar, who helped to shape the project, caused losses to the state of over 6.2 billion Pesos (over 130 million USD) due to additional costs and unnecessary payments. Villar also allegedly accrued illegitimate benefits totaling over 141 million Pesos (over 3 million USD) from excessive state payments for purchases of land from Villar's extensive real estate holdings for the project. (Additionally, Villar allegedly diverted the road's course in order to bring it closer to land he owns, increasing his land's value.) The committee report recommends the censure of Villar for

MANILA 00000170 002 OF 002

unethical conduct.

¶5. (SBU) Villar's allies in the Senate have vehemently attacked the report's backers, most notably Senate President Juan Ponce Enrile (currently allied with Estrada). Villar's side has indicated it would seek to vote Enrile out of the Senate presidency, if it can win majority support for such a move. Enrile has fired back with allegations that Villar privately hinted to Enrile he could offer a payoff to quash the report. It is unclear whether the Senate will vote on the report's recommendations before it recesses for election campaigning Feb. 5, but the debate has served Villar's political opponents well, by associating him publicly with scandal.

SLOW BUT STEADY PROGRESS ON ELECTION AUTOMATION

¶6. (C) As of January 26, COMELEC had received 30,900 Smartmatic optical scanners, all manufactured overseas. Under the plan to automate elections nationwide for the first time in the Philippines, and hopefully reduce the widespread ballot tampering that has marred past elections, some 37,422 polling stations will use the machines to scan paper ballots, tabulate the results, and transmit the results electronically to multiple servers. The COMELEC's current schedule calls for receipt of all machines (approximately 82,000) by the end of February, but COMELEC officials are unable to predict reliably when the machines will arrive. A representative of U.S. company Systest, which is currently evaluating the Smartmatic machines on behalf of COMELEC, plans to visit Manila February 5-10.

GUN BAN, BUT CONTINUING VIOLENCE

¶7. (SBU) With the formal election period approaching, the authorities have sought to enforce a strict weapons ban. A police contact told us that, as of January 26, authorities arrested 439 persons (33 police officials, 25 military officials, 18 government officials, and the rest being civilians) for violating the weapons ban. Weapons confiscated included 159 high-powered firearms; 216

low-powered firearms; 55 bladed weapons; 10 grenades; one explosive device. However, this represents a tiny fraction of the weapons in private hands in the Philippines, where gun possession is ubiquitous.

¶8. (SBU) Senator Villar has expressed alarm over a "climate of violence" in the runup to the May 10 elections, claiming that at least four members of his Nacionalista Party who are seeking local seats were killed in separate incidents in the past two months. Senator Aquino, the Liberal Party presidential candidate, also said publicly that little has been done to curb electoral violence and urged the government to do more.

¶9. (C) A high-ranking police contact told us that, since January 10, the police have received reports of eight killings that may have been election-related. Investigators determined that four of those killings in fact were the result of personal, not political, feuds; investigations into the other four continue. Our contact could not provide a number for election-related threats or non-lethal assaults but noted that approximately 1,000 candidates for national or lower-level offices had requested a government security detail. The authorities have approved the provision of approximately 500 of those security details, 250 of which are already active. Communist efforts to target "dirty politicians" and to extort fees (in exchange for what they term "campaign permits") will also contribute to violence in the run-up to elections.

BASSETT